

## *Utilities and Energy*

### **PUBLIC 476      An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate      LD 1893**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON	OTP      MAJ ONTP      MIN	

Public Law 2001, chapter 476 authorizes the Public Advocate to substitute an economic analyst position for a vacant senior counsel position. Public Law 2002, chapter 476 also authorizes the Public Advocate to compensate a senior counsel at a higher salary range when the increase is necessary to provide competitive salary levels.

### **PUBLIC 488      An Act to Eliminate Unnecessary Filing Requirements for Water Utilities      LD 1838**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-765

Public Law 2001, chapter 488 removes the requirement that a water utility that, as a result of the requirements of the federal Safe Drinking Water Act, will incur expenses in excess of 50% of its annual operating revenue file with the Public Utilities Commission and with the Department of Human Services engineering estimates, all costs, and a justification of the construction project and of the utility's next best alternative. The law also removes the requirement that this information be made available for public review; it retains the requirement that the public be notified if such expenses will be incurred.

### **PUBLIC 528      An Act to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine      LD 2003** **EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS EDMONDS	OTP-AM	H-819

Public Law 2001, chapter 528 advances by 2 years the deadline for the Public Utilities Commission investigation of the value and continued necessity of standard-offer service in the State's competitive electricity markets. The bill also specifies certain matters that the commission must investigate with respect to the continuation of standard-offer service and requires the commission to make recommendations to the Utilities and Energy Committee on appropriate changes in the laws governing standard-offer service.

Public Law 2001, chapter 528 was enacted as an emergency and took effect on March 12, 2002.

### **PUBLIC 577      An Act to Improve the Safety Provided by the Underground Facilities Protection Law      LD 2024** **EMERGENCY**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-895

Public Law 2001, chapter 577 revises provisions of the law that govern the Dig Safe underground facilities protection program in the State by establishing alternative procedures for shoulder-grading activities that allow an exemption from current hand-dig requirements; exempting excavations in cemeteries if certain precautions are taken; eliminating the current exemption for highway sign work; requiring underground facility operators to mark gas and electric facilities known to the operators located within a public way; establishing procedures to identify and locate abandoned facilities; requiring, in the case of subcontracting or multiple excavators, the excavator responsible for the actual excavation to ascertain whether required notices have been given; exempting private landowners from the definition of underground facility operator; and repealing the provision requiring architects and designers to mark the location of underground facilities on their plans.

Public Law 2001, chapter 577 was enacted as an emergency and took effect on March 28, 2002.

### **PUBLIC 608      An Act Regarding Utility Easements      LD 1973**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	H-872

Public Law 2001, chapter 608 authorizes the Public Utilities Commission to allow a natural gas utility or a person maintaining or operating a telephone or electric line to acquire an easement to run a line across a railroad, including an abandoned railroad, and clarifies that the commission can not authorize a natural gas utility or a person maintaining or operating a telephone or electric line to acquire by eminent domain land owned by the State.

### **PUBLIC 624      An Act to Strengthen Energy Conservation      LD 420** **EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM    MAJ	H-961
FERGUSON	OTP-AM    MIN	

Public Law 2001, chapter 624, removes the responsibility for developing and monitoring the implementation of energy conservation programs from the State Planning Office; removes responsibility for administering new conservation programs from transmission and distribution utilities; directs the Public Utilities Commission to develop and administer conservation programs funded through assessments on transmission and distribution utilities; establishes goals and guidelines for the commission in undertaking its responsibilities with respect to conservation programs; directs the commission to secure relevant expertise in carrying out its conservation-related responsibilities; allows the commission to use a portion of the funds collected for conservation programs for administrative costs of the commission in carrying out its responsibilities; requires the commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on funds raised and spent and activities taken with respect to conservation programs; authorizes transmission and

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distribution utilities to create transition benefit plans for employees who are laid off as a result of the transfer to the commission of the administration of conservation programs; in order to facilitate start-up of conservation programs, authorizes the commission to implement on a short-term basis, without satisfying all the procedural requirements of the new law, conservation programs that the commission finds to be cost effective; requires the commission to adjudicate contract disputes relating to the administration of existing conservation-related contracts by transmission and distribution utilities, establishes an arbitration process to settle such disputes, and establishes certain standards for contract interpretation by the commission and arbitrators in settling such disputes; requires the commission to report on the feasibility of assuming the administration of existing conservation-related contracts.

Public Law 2001, chapter 624 was enacted as an emergency and took effect April 5, 2002.

**PUBLIC 629**      **An Act to Withdraw from the Texas Low-level Radioactive Waste**      **LD 2171**  
**EMERGENCY**      **Disposal Compact**

<u>Sponsor(s)</u> SAVAGE W FERGUSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1006
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Public Law 2001, chapter 629 terminates the State's participation in an interstate compact with the states of Texas and Vermont for the disposal in Texas of low-level radioactive waste generated in the 3 states.

Public Law 2001, chapter 629 was enacted as an emergency and took effect on April 5, 2002.

**PUBLIC 630                      An Act to Establish the Energy Resources Council                      LD 646**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-882
TREAT		

Public Law 2001, chapter 630 creates the Energy Advisory Council to facilitate more effective interagency coordination of the State's activities regarding energy issues. The Council is comprised of the Director of the State Planning Office, Chair of the Public Utilities Commission, Commissioner of Environmental Protection, the Public Advocate, Commissioner of Transportation, Commissioner of Administrative and Financial Services, Commissioner of Economic and Community Development and the Director of the Maine State Housing Authority.

**P & S 45**      **An Act Relating to the Transfer to GNE, LLC of Certain Privileges LD 2085**  
**EMERGENCY**    **Bestowed by the Legislature upon Great Northern Paper, Inc.**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ	S-404
STANLEY	OTP-AM MIN	

Private and Special Law 2001, chapter 45 allows Great Northern Paper, Inc. and its successors to transfer to 3rd parties any or all charter rights related to Great Northern Paper, Inc.'s hydroelectric facilities and confirms Great Northern Paper, Inc.'s authority to sell power on the same basis as any other person engaged in the business of selling electricity and to clarify that the purchaser of Great Northern Paper, Inc.'s dams and hydroelectric and related facilities will have that authority. The law also requires notification and an opportunity to meet with the Governor and area Legislators, upon the occurrence of certain events that would affect the Katahdin region. The law requires certain payments to be made to the economic development body serving the Katahdin region if, during a defined 15-year period, certain new transmission lines are built and there is a paper mill closing. The law prohibits any agreement or understanding between the owner of the hydropower facilities and the owner of either paper mill under which the owner of a mill receives revenue from the sale of electricity from the hydropower facilities and there is a paper mill closing for the purpose of allowing or increasing the sale of the electricity from the hydropower facilities to any other purchaser or entity or into the wholesale electric market. The law repeals certain obsolete provisions of Private and Special Law relating to authorizations for certain entities to sell power or transmit energy from the hydropower facilities.

Private and Special Law 2001, chapter 45 was enacted as an emergency and took effect on January 28, 2002.

**NOTE:** LD 2083 (the “Errors Bill”), sections E-5 and E-6 as enacted (PL 2001, ch. 667) retroactively added new provisions to the Private and Special Law 2001, chapter 45. The new language exempts from Public Utilities Commission regulation the sale and transmission of electricity generated by the hydroelectric facilities formerly owned by Great Northern Paper, Inc. to any persons to which Great Northern Paper, Inc. formerly supplied or sold such electricity between July 1, 1997 and January 28, 2002 unless the commission determines that a person to whom the electricity is sold, provided or transmitted has reasonable access to the electrical grid of a regulated transmission and distribution utility or for any other reason finds that continuance of the exemption is not in the public interest.

**P & S 47                      An Act to Amend the Charter of the Corinna Sewer District                      LD 1906**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP	
TOBIN J		

Private and Special Law 2001, chapter 47 amends the charter of the Corinna Sewer District by allowing the trustees discretion in setting the date for the annual meeting.

Private and Special Law 2001, chapter 47 was enacted as an emergency and took effect on February 14, 2002.

**P & S 48                      An Act to Amend the Charter of the Mount Blue Water District                      LD 1857**

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### **EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-773

Private and Special Law 2001, chapter 48 amends the charter of the Mt. Blue Standard Water District to allow a person who does not reside in the district to be a trustee if the person is a customer of the district; to allow the trustees to propose the compensation of the trustees and the treasurer, but makes the proposal subject to approval by the voters of the district; and, retroactive to the effective date of the law creating the district, to allow the trustees to hire a treasurer who is not a trustee of the district. All these provisions are subject to referendum approval within the district.

Private and Special Law 2001, chapter 48 was enacted as an emergency and took effect on March 21, 2002, subject to referendum approval.

### **P & S 49      An Act to Amend the Charter of the Winterport Sewerage District   LD 1862 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	OTP-AM	H-761 H-769   BROOKS

Private and Special Law 2001, chapter 49 amends the Charter of the Winterport Sewerage District to increase the debt limit of the Winterport Sewerage District from \$400,000 to \$1,200,000, subject to approval by local referendum, and to permit the district to increase its debt limit in the future through a referendum process. Private and Special Law 2001, chapter 49 recognizes that the Town of Winterport held a town meeting prior to enactment of this law at which the question whether the debt limit of the Winterport Sewerage District should be increased was voted and approved; the law provides that if due certificate of that vote is filed with the Secretary of State, the authority to increase in debt limit takes effect without the necessity of further referendum approval.

Private and Special Law 2001, chapter 49 was enacted as an emergency and took effect on February 21, 2002.

### **P & S 51      An Act Authorizing the Town of Waldoboro to Refinance Certain   LD 1845 EMERGENCY    Temporary Bond Anticipation Notes Issued for its Water Project**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-772 H-810   SAVAGE W

Private and Special Law 2001, chapter 51 extends the period for temporary financing for the Town of Waldoboro's water project to 6 years.

Private and Special Law 2001, chapter 51 was enacted as an emergency and took effect on March 6, 2002.

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**P & S 56**                    **An Act to Amend the Charter of the Portland Water District for the LD 2073**  
**EMERGENCY**           **Purpose of Redistricting Trustee Representation to Reflect 2000**  
                                 **Census Data**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN PENDLETON	OTP-AM	H-818

Private and Special Law 2001, chapter 56 amends the charter of the Portland Water District to reapportion the 11 trustees among the 10 member communities based on 2000 census data. The reapportionment will be phased in as the terms of current trustees expire beginning in November 2002.

Private and Special Law 2001, chapter 56 was enacted as an emergency and took effect on March 21, 2002.

**P & S 65**                    **An Act to Amend the Charter of the Corinna Water District to**                    **LD 2159**  
**EMERGENCY**           **Allow for the Appointment of Trustees**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TOBIN J	OTP-AM	S-474

Private and Special Law 2001, chapter 65 amends the charter of the Corinna Water District to provide that its trustees are to be appointed by the municipal officers of the Town of Corinna. This law provides that the new trustees of the Corinna Water District are to be appointed within 3 months of the effective date of the legislation. The law retroactively extends the terms of existing trustees until their successors are appointed and retroactively removes the requirement created by Private and Special Law 2001, chapter 13 that the trustees be residents of the district.

Private and Special Law 2001, chapter 65 was enacted as an emergency and took effect on April 2, 2002.

**P & S 66**                    **An Act Providing for the Supply of Water to the City of Brewer**                    **LD 2147**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD LEDWIN	OTP-AM	S-498 S-510 YOUNGBLOOD

Private and Special Law 2001, chapter 66 authorizes the City of Brewer to hold a referendum on the dissolution of the Brewer Water District and the transfer of the district's assets to the city; upon approval of the referendum, and approval of a majority of the City Council of Brewer and a majority of the trustees of the district, requires the

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transfer of the assets and obligations of the water district to the city; upon the transfer of the assets and obligations of the water district to the city, grants to the city authority, now possessed by the district, to take water from water sources outside the city, to serve customers outside the city, to lay pipe and exercise eminent domain outside the city and to adopt rules to protect Hatcase Pond, which is located in the Town of Dedham and the Town of Eddington; and requires the Public Utilities Commission, at the request of the city, to examine employment contracts of the district and authorizes the commission to void a contract if the commission finds the contract was an unreasonable act of the district.

Private and Special Law 2001, chapter 66 was enacted as an emergency and took effect on April 4, 2002.

**P & S 68**                      **An Act to Amend the Charter of the Winterport Water District**                      **LD 2207**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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Private and Special Law 2001, chapter 68 increases the debt limit of the Winterport Water District to \$1,200,000, subject to approval in a local referendum; and permits the district to increase its debt limit in the future through a referendum process.

Private and Special Law 2001, chapter 68 was enacted as an emergency and took effect on April 8, 2002.

**RESOLVE 81**                      **Resolve, Regarding Participation in Regional Transmission**                      **LD 1995**  
**EMERGENCY**                      **Organization**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-838

Resolve 2001, chapter 81 requires the Public Utilities Commission to conduct a study of the advantages and disadvantages of the State's transmission and distribution utilities' participation in a regional transmission organization that includes northern Maine and Canada.

Resolve 2001, chapter 81 was enacted as an emergency and took effect on March 14, 2002.

**RESOLVE 83**                      **Resolve, Regarding Legislative Review of Portions of Chapter 395 - LD 2107**  
**EMERGENCY**                      **Construction Standards and Ownership and Cost Allocation Rules**  
   **for Electric Distribution Line Extensions, a Major Substantive Rule**  
   **of the Public Utilities Commission**

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-894

Resolve 2001, chapter 83 authorizes final adoption of portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a major substantive rule of the Public Utilities Commission, provided certain enumerated changes are made to the rule.

Resolve 2001, chapter 83 was enacted as an emergency and took effect on March 21, 2002.